

INSTRUCTIONS FOR REPRESENTATION FORM**{Do not file this sheet with PERC}**

A. RULES The Public Employment Relations Commission (PERC) processes representation cases under Chapters 391-25, 391-08 and 10-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.

B. WHO CAN FILE Employee organizations can file petitions for units where they seek to be certified as exclusive bargaining representative. Individual employees only have legal standing to seek "decertification" of their existing exclusive bargaining representative. Employers can only file petitions under limited circumstances.

C. WHEN TO FILE The party filing a representation petition must comply with time limitations specified in WAC 391-25-030. Where neither a "contract bar" nor a "certification bar" is in effect, a petition may be filed at any time.

CONTRACT BAR – If a valid collective bargaining agreement is in effect, a petition involving any or all of the employees covered by that contract will be timely only if it is filed during the "window" period not more than 90 nor less than 60 days prior to the stated expiration date of the contract. For state civil service employees, the "window" period is not more than 120 nor less than 90 days before the expiration date of the contract. For this purpose:

- The agreement must cover a bargaining unit that is appropriate under the terms of the applicable statute.
- The agreement must be in writing, and must be signed by the parties' representatives.
- The agreement must contain a fixed expiration date not less than 90 days after it was signed.
- The agreement will only operate as a bar for the first three years after its effective date.
- An agreement to extend or replace a collective bargaining agreement shall not bar a petition filed in the "window" period of the previous agreement.
- A "protected" period is in effect from the end of a "window" period through contract expiration, and a successor agreement negotiated by the employer and incumbent exclusive bargaining representative during that period will bar a petition under this chapter.

CERTIFICATION BAR – When PERC issues a certification, a petition involving the same bargaining unit or any subdivision of that unit will only be timely if it is filed more than 12 months after the certification of an exclusive bargaining representative or more than 12 months following the latest election or cross-check in which the employees failed to select an exclusive bargaining representative.

D. SHOWING OF INTEREST There is no PERC form for "showing of interest" documents, but the rules include:

WAC 391-25-110 SUPPORTING EVIDENCE -- SHOWING OF INTEREST CONFIDENTIAL. (1) A petition filed by employees or an employee organization shall be accompanied by a showing of interest indicating that the petitioner has the support of thirty percent or more of the employees in the bargaining unit which the petitioner claims to be appropriate. *The showing of interest shall be furnished under the same timeliness standards applicable to the petition, and shall consist of original or legible copies of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate.* . . .

(emphasis added). To protect their confidentiality, showing of interest materials cannot be filed by fax or e-mail.

E. FORM Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- **EMPLOYER** Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction.
- **PETITIONER** The "Petitioner" is the employee, employee organization, or employer that is filing the petition.
- **INCUMBENT** If an organization currently represents the employees, list it as the "Incumbent Bargaining Representative" on the form. If the petitioner knows of other organizations which claim, or may claim, to represent the employees involved, ATTACH ADDITIONAL SHEETS containing the name(s), address(es), names of principal representative(s) and telephone number(s) of all such organizations.

REQUEST Indicate the type of request which best describes the situation.

BARGAINING UNIT

- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- ATTACH a copy of the collective bargaining agreement, if one exists (unbound documents are preferred).
- Indicate the number of employees in the bargaining unit.
- Describe the bargaining unit by listing the types of employees to be included (such as "all law enforcement officers," "all fire fighters," "all operations and maintenance employees," or "all employees"), and to be excluded (such as "supervisors" or "confidential employees"). Use additional sheets of paper, if necessary.

OTHER FACTS If more space is needed, ATTACH additional sheets.

SHOWING ATTACH the showing of interest to the original petition only. The showing will be kept confidential throughout and after all case processing.

F. FILING WITH PERC See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

G. COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

H. NORMAL CASE PROCESSING The steps that usually occur in representation cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.